



A BILL FOR AN ORDINANCE

RELATING TO PUBLIC MALLS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the city's laws relating to the use of public malls to provide for greater flexibility for the department of parks and recreation's regulation of pedestrian malls in the downtown/Chinatown area.

SECTION 2. Section 29-10.3, Revised Ordinances of Honolulu 1990 ("Powers and duties of the department"), is amended by:

1. Amending subsection (b) to read as follows:

"(b) Permits. The department shall issue permits for the use of a particular area of a mall or malls for events, together with any activities reasonably related thereto, whenever such events promote: the safety, health and welfare of the public; the use of the malls for which they were established; the interest of the malls district; or any other community endeavors sponsored, undertaken or promoted by duly established organizations. The department shall determine and establish by rules as prescribed herein the number and boundaries of areas within each mall which shall reasonably promote the safety, health and welfare of the public; the use of the malls for which they were established; the interest of the malls district; or any other community endeavors sponsored, undertaken or promoted by duly established organizations. The department may issue permits to mall tenants for events to be held on malls in the downtown area.

All permits may be issued subject to the following restrictions:

- (1) That such events do not impair the health, safety and welfare of the users of the malls and of the merchants and the property owners in the malls, and do not violate any statutes, ordinances or rules or regulations having the effect of law;
- (2) No permit shall be granted for more than seven consecutive calendar days in any calendar year;
- (3) No permit shall be issued for more than one event in a particular area of a mall during a given period; provided, that several areas of a mall or malls may be used concurrently for such event;



A BILL FOR AN ORDINANCE

- (4) No permit shall be issued to any person for an event in a particular area of a particular mall more than once during a calendar year; provided, that any events sponsored by merchants shall be done collectively as an association of merchants and not individually; and provided further, that any person who has the privilege of using a particular mall during a calendar year as provided herein, may submit another application, and the department may issue a permit to such person if there are no conflicts in the use of the malls granted to other permittees, or no applicant has submitted a request for the use of the malls for the date or period requested by such prior user of the mall; and
- (5) A security deposit will be required for each day of use for the purpose of cleaning up the malls if a permittee fails so to do, or as reimbursement for any damage to plants or other property of the city or to any private property fronting or situated alongside the malls. Such deposit shall be returned to the applicant if the foregoing situations have not occurred; provided, that if such deposit has been held for more than a month, interest at the prevailing rate on a month to month basis shall be paid by the city.

The department shall establish monetary deposit schedules based on the number of people utilizing a specific area for which a permit has been issued, the term of the permit and the type of activity; if a permittee charges admission to the permittee's functions or activities, the director shall require that the permittee obtain a public liability insurance policy which names the City and County of Honolulu as an insured party."

2. Amending subsection (e) to read as follows:

- "(e) Newsstands, Public Telephone Enclosures, Dumpsters and so forth. The department shall confer with the director of [finance] budget and fiscal services relative to permits and placement of newsstands, public telephone enclosures, freight elevators, freight chutes, and curbside tellers, all of which are under the jurisdiction of the director of [finance] budget and fiscal services as provided in Article 8 of this chapter. The department, in consultation with the department of [land utilization,] planning and permitting, may allow the temporary placement of dumpsters on a mall during a period of construction, where the city has entered into a development agreement for construction on the mall and where the establishments abutting the mall cannot accommodate the dumpster on their property during the period of construction. For events that take place on malls in the downtown/Chinatown area, the department, in consultation with event



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **49 (2015), CD1**

A BILL FOR AN ORDINANCE

organizers, shall determine the necessity of temporarily placing portable toilets, at the expense of the event organizers, on those malls during the events for purposes of the safety, health and welfare of the public."

SECTION 3. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring, the brackets or the bracketed material.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **49 (2015), CD1**

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

June 10, 2015
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu

FILED
JUN 10 2017
PURSUANT TO RCH Sec. 1-2.4